

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
HIRANO et al.

Art Unit: 1656

Application No.: 10/784,986

Examiner: Gebreyesus, Kagnew H.

Filing Date: February 25, 2004

Attorney Ref. No.: US-109

For: NOVEL LYSINE
DECARBOXYLASE GENE AND
METHOD FOR PRODUCING
L-LYSINE

Confirmation No.: 1388

REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants gratefully acknowledge receipt of the Notice of Allowance and Issue Fee Due mailed from the USPTO in the above-captioned application on June 25, 2007. However, in our review of the file, we have noticed that Information Disclosure Statements ("IDS") submitted on December 22, 2004 and January 4, 2005 contain references that were not initialed and never properly considered by the Examiner. We hereby submit the following papers.

- Copy of the PTO-1449 (the IDS of January 4, 2005) returned by the Examiner on March 31, 2005, wherein the EP 0 472 947 reference has not been initialed by the Examiner
- Copy of the PTO-1449 (the IDS of December 22, 2004) returned by the Examiner on March 31, 2005, wherein only one of 18 cited U.S. patent references appears to have been initialed by the Examiner.

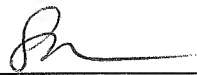
We hereby request consideration and initialing of the PTO-1449 documents by the Examiner. We also request issuance of a corrected Notice of Allowability indicating consideration of these cited references. Please send this document along with the initialed copies of the PTO-1449 documents to the address of record.

It is also further noted that a typographical error appears in Claim 6 on the Examiner's Amendment. No fee should be required as this is a PTO error. Therefore, claim 6 should be corrected as follows:

6. The DNA of claim 3, which is isolated from the genome of a ~~Methylophitus~~
Methylophilus bacterium.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned hereby authorizes any such charges to be charged to our deposit account 50-2821.

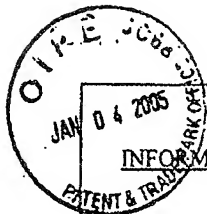
Respectfully submitted,

By: 
Shelly Guest Cermak
Registration No. 39,571

U.S. P.T.O. Customer No. 38108

Cermak Kenealy & Vaidya, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608

Date: June 26, 2007



FORM PTO 1449	ATTY. DKT. NO.: US-109	APP. NO.: 10/784986
<u>INFORMATION DISCLOSURE STATEMENT</u>		
APPLICANT(S): Hirano et al.		
FILING DATE: 2-25-2004		Group Art Unit: 1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	EP 0 472 947	4 Mar. 1992	EPO	C12P	13/04	<input type="checkbox"/> Yes <input type="checkbox"/> No
KE	French Patent Application 04 01873 Search Report by French Patent Office	28 Oct. 2004	France			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

KE	Lereverend, T., et al., "Improved lysine-overproducing strains using recombinant DNA", Proceedings of the International Symposium on the Genetics of Industrial Microorganisms, Vol. 4, 1982, page 113, XP-000978422

EXAMINER <i>Kapoor G. J.</i>	DATE CONSIDERED <i>03/18/05</i>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO 1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DKT. NO.: US-109	APP. NO.: 10/784986
	APPLICANT(S): Hirano et al.	
	FILING DATE: 2-25-2004	Group Art Unit: 1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	2004/0146974	7-29-2004	Gunji et al.			11-20-2003
	10/716470		Gunji et al.			11-20-2003
	2004/0142435	7-22-2004	Gunji et al.			11-20-2003
	2004/0171134	9-2-2004	Yasueda et al.			1-7-2004
	2004/0214296	10-28-2004	Asahara et al.			1-21-2004
	2004/0166570	8-26-2004	Yasueda et al.			2-6-2004
	09/926299		Gunji et al.			10-9-2001
	6,461,852	10-8-2002	Tsujimoto et al.			8-3-2000
	2003/0013174	1-16-2003	Tsujimoto et al.			8-9-2002
	2003/0166174	9-4-2003	Ono et al.			12-4-2002
	2003/0232338	12-18-2003	Usuda et al.			6-12-2002
	2003/0049805	3-13-2003	Nagase et al.			10-22-2002
K6	2003/0124687	7-3-2003	Gunji et al.			6-11-2002
	2004/0170987	9-2-2004	Usuda et al.			2-28-2003
	2004/0170986	9-2-2004	Usuda et al.			2-28-2003
	2004/0170985	9-2-2004	Usuda et al.			2-28-2003
	10/791853		Takeshita et al.			3-4-2004
	2004/0191875	9-30-2004	Takeshita et al.			3-4-2004

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

EXAMINER <i>Kay G. Y.</i>	DATE CONSIDERED <i>03/18/05</i>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	